

### **REMARKS/ARGUMENTS**

The Final Office Action of December 3, 2009 has been carefully reviewed and these remarks are responsive thereto. Claims 1-27 remain in this application. Claims 1-5, 7-12, and 14-27 have been amended. Reconsideration and allowance of the instant application are respectfully requested.

#### **Rejections under 35 U.S.C. § 102**

Claims 1, 8, 15, 20, 24 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0003212 A1 to Marler et al. ("Marler"). Applicants respectfully traverse this rejection.

Amended independent claim 1 recites, among other features:

creating one or more integrated video data streams by integrating interactive content into the one or more unmodified video data streams based on one or more rules targeting receivers having a particular characteristic; and

transmitting the one or more integrated video data streams to one or more receivers having the particular characteristic for display.

In rejecting claim 1 the Office Action relies on Marler, and to show the claim 1 feature of creating one or more customized, personalized or targeted integrated video data streams by automatically integrating, in response to one or more business or personalization rules, two-way interactive content with an unmodified video data stream, the Office Action cites indicator 34 of Marler providing information about ancillary information that is transmitted with television content to a user. Specifically, the Office Action points to an example in Marler where indicator 34 may be indicative of children's content and states that "[s]ince Marler et al. provides an example where ancillary information targeting a specific audience (personalized for children in this case) is transmitted with a video program, the examiner interprets this as 'creating one or more customized, personalized or targeted integrated video streams,' as claimed." Action, p. 3.

Even under the Office Action's interpretation of the example provided in Marler (the validity of which Applicants do not concede), the example does not disclose all of the features of claim 1 as amended herein. In particular, amended claim 1 recites integrating interactive content into one or more unmodified video data streams based on one or more rules targeting receivers

having a particular characteristic. Assuming, without conceding, that Marler describes ancillary information targeting a specific audience being transmitted with a video program, as asserted by the Office Action, Marler does not teach or suggest such ancillary information being transmitted with the video program *based on one or more rules targeting receivers having a particular characteristic*. In fact, the cited paragraphs of Marler (para. [0031]-[0033], [0035]) do not discuss any basis for the ancillary information being transmitted with television content. Furthermore, other than the Examiner's interpretation of the Marler example discussed above, nowhere do the paragraphs of Marler relied on by the Office Action describe any relation between the ancillary information transmitted and the receivers that the ancillary information is transmitted to. As such, Marler does not teach or suggest all of the recited features of claim 1, and claim 1 is thus allowable for at least the reasons discussed above.

Independent claims 8, 15, 20, 24, and 27 recite features similar to integrating interactive content into one or more unmodified video data streams based on one or more rules targeting receivers having a particular characteristic, as discussed above with respect to claim 1, and are thus allowable over Marler at least for similar reasons as claim 1 and further in view of the additional features recited therein.

Claims 1-5, 7-12 and 14-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,459,427 to Mao et al. ("Mao"). Applicants respectfully traverse this rejection.

The Office Action asserts that Mao describes seamless integration of Internet services and incoming digital television signals whereby users can receive program synchronous web information for each segment of the digital video programming, including web advertisements associated with program segments. Action, p. 3. However, even assuming, without conceding, that Mao describes such integration of web information and television programming as alleged by the Office Action, Mao does not teach or suggest the integration being based on one or more rules targeting receivers having a particular characteristic, or transmitting the integrated web information and television programming to one or more receivers having the particular characteristic.

Mao describes that when a user selects a digital video channel a user interface is enabled on the television screen and the user is provided with a menu that shows the webcasting services that the user may select from. See Mao, col. 6, lines 43-61; FIG. 3. By choosing, for example, broadcast 320 from the menu, the user enables broadcast submenu 360, which in turn enables the broadcast 370, simulcast 380, and personalized 390 services options. Id. Thus, the Mao integration of web information and television programming relied on by the Office Action in rejecting claim 1 is not based on any rules targeting receivers having a particular characteristic; but rather is based on the user sending a request to interact with webcasting services to a MORECAST client engine 230. See Mao, col. 6, lines 30-42. As such, Mao does not teach or suggest the claim 1 feature of creating one or more integrated video data streams by integrating interactive content into the one or more unmodified video data streams based on one or more rules targeting receivers having a particular characteristic. Claim 1 is thus allowable over Mao for at least the reasons discussed above.

Independent claims 8, 15, 20, 24, and 27 recite similar features as discussed above with respect to claim 1, and are thus allowable over Mao at least for similar reasons as claim 1 and further in view of the additional features recited therein. Claims 2-5, 7, 9-12, 14, 16-19, 21-23, and 25-26 each depend from one of claims 1, 8, 15, 20, and 24, and are thus allowable at least based on the allowability of their respective base claims, and further in view of the additional features recited therein.

### **Rejections under 35 U.S.C. § 103**

Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mao. Applicants respectfully traverse this rejection.

Claim 6 depends from independent claim 1, and claim 13 depends from independent claim 8. As discussed above, Mao does not teach or suggest all of the recited features of amended claims 1 and 8. As such, claims 6 and 13 distinguish over Mao at least based on the allowability of their respective base claims, and further in view of the additional features recited therein.

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Reply to Office Action of December 3, 2009

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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By: /Gary D. Fedorochko/  
Gary D. Fedorochko  
Registration No. 35,509

1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001

GDF:lab